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MEMORANDUM ENDORSED

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May 27, 2020

BY ECF

Hon. Gregory H. Woods
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: United States v Byron Barber
Ind #: 19 Cr. 00451 (GHW)

Dear Judge Woods:

Without objection of the government, by AUSA Jacob Gutwillig, Byron Barber respectfully asks that the sentencing scheduled for June 8, 2020 in this matter be adjourned to a date in the fall of this year when it is possible people may be able to assemble in court once again. The reasons for this request include that Standing Order M10-468, so-ordered by Chief Judge McMahon on March 30, 2020, finds that felony sentencing under Rule 32 of the Federal Rules of Criminal Procedure cannot be conducted in person "without seriously jeopardizing public health and safety." Pursuant to the Chief Judge's Order, sentencing may occur only (i) with the consent of the defendant ... after consultation with counsel"; and, (ii) upon a finding by the presiding judge that "the proceeding cannot be further delayed without serious harm to the interests of justice." It is respectfully submitted that no such finding is possible on the record of this case.

Additionally, in the midst of the continuing pandemic, returning Mr. Barber to prison -- should that be the Court's ultimate decision -- would be antithetical to the reasons underlying the Court's bail decision, as medical circumstances rendering it unduly dangerous for Mr. Barber to reside in prison have not abated since release conditions were put in place.

Finally, I am informed that Mr. Barber is in full compliance with his conditions of release, and has been stepped down in his

reporting responsibilities from personal check in with a Pre-Trial Services officer, to remote electronic check-in once per week.

Thank you very much for your attention to this matter.

Respectfully,

/s/

Robert A. Solloway

cc: AUSA Jacob Gutwillig
(By ECF)

RAS:sc

Application granted. The defendant's sentencing is adjourned to August 25, 2020 at 12:00 p.m. The defendant's sentencing submissions are due no later than August 11, 2020; the Government's sentencing submissions are due no later than August 18, 2020.

SO ORDERED

May 27, 2020



GREGORY H. WOODS

United States District Judge